

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CRAIG BOCCHI,

Plaintiff,

-against-

GUTMAN MINTZ BAKER & SONNENFELDT P.C. and
DOES 1-10, inclusive,

Defendants.

Docket # CV10-3385

**(Feuerstein, J.)
(Tomlinson, M.J.)**

ANSWER

JURY TRIAL DEMANDED

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Defendant, Gutman Mintz Baker & Sonnenfeldt P.C., by its attorneys, RIVKIN RADLER LLP, respectfully submits the following upon information and belief as and for its Answer to Plaintiff's Complaint:

FIRST: Defendant denies the allegations contained in paragraphs numbered "1", "7," "12", "13", "14", "15", "16", "17", "18," "19," "20", "21" and "22" of the Plaintiff's Complaint.

SECOND: Defendant denies having knowledge or information sufficient to form a belief as to the allegations contained in paragraphs numbered "2", "3" and "4" of the Plaintiff's Complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

THIRD: Defendant denies the allegations contained in paragraphs numbered "6", "9" and "11" of the Plaintiff's Complaint and refer all questions of law and fact to this Honorable Court and the triers of fact at the trial of this action.

FOURTH: Defendant denies the allegation in paragraph numbered “5” of the Plaintiff’s Complaint, except admits that Defendant is a New York business entity with an address of 813 Jericho Turnpike, New Hyde Park, New York, 11040.

FIFTH: Defendant denies the allegation contained in paragraph numbered “10” of the Plaintiff’s Complaint, except admits that Defendant was retained by its client to commence litigation, if necessary, against Plaintiff due to Plaintiff’s failure to pay Defendant’s client rent.

ANSWERING THE FIRST CAUSE OF ACTION

SIXTH: Answering paragraph numbered “23” of the Plaintiff’s Complaint herein, Defendant, Gutman Mintz Baker & Sonnenfeldt P.C., repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of Plaintiff’s Complaint, designated as paragraphs “1” through “22” inclusive, with the same force and effect as though more fully set forth at length herein.

SEVENTH: Defendant denies the allegations contained in paragraphs numbered “24”, “25”, “26”, “27”, “28”, “29”, “30”, “31”, “32”, “33” and “34” of the Plaintiff’s Complaint.

ANSWERING THE SECOND CAUSE OF ACTION

EIGHTH: Answering paragraph numbered “35” of the Plaintiff’s Complaint herein, Defendant, Gutman Mintz Baker & Sonnenfeldt P.C., repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of Plaintiff’s Complaint, designated as paragraphs “1” through “34” inclusive, with the same force and effect as though more fully set forth at length herein.

NINTH: Defendant denies the allegation contained in paragraphs numbered “36”, “37” and “38” of the Plaintiff’s Complaint.

ANSWERING THE THIRD CAUSE OF ACTION

TENTH: Answering paragraph numbered “39” of the Plaintiff’s Complaint herein, defendant, Gutman Mintz Baker & Sonnenfeldt P.C., repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of Plaintiff’s Complaint, designated as paragraphs “1” through “38” inclusive, with the same force and effect as though more fully set forth at length herein.

ELEVENTH: Defendant denies the allegations contained in paragraphs numbered “40”, “41”, “42” and “43” of the Plaintiff’s Complaint.

ANSWERING THE FOURTH CAUSE OF ACTION

TWELFTH: Answering paragraph numbered “44” of the Plaintiff’s Complaint herein, Defendant, Gutman Mintz Baker & Sonnenfeldt P.C., repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of Plaintiff’s Complaint, designated as paragraphs “1” through “43” inclusive, with the same force and effect as though more fully set forth at length herein.

THIRTEENTH: Defendant denies each and every allegation contained in paragraphs numbered “45” and “46” of the Plaintiff’s Complaint.

AS AND FOR DEFENDANT’S FIRST AFFIRMATIVE DEFENSE

FOURTEENTH: Plaintiff has failed to state a claim for relief against this Answering Defendant.

AS AND FOR DEFENDANT’S FIRST COUNTERCLAIM

FIFTEENTH: Defendant, Gutman Mintz Baker & Sonnenfeldt P.C., repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of

Plaintiff's Complaint, designated as paragraphs "1" through "46" inclusive, with the same force and effect as though more fully set forth at length herein.

SIXTEENTH: Plaintiff's claim(s) for relief pursuant to 15 U.S.C. § 1692, *et seq.*, have been filed in bad faith and for the purpose of harassing Defendant, and as such, Defendant is entitled pursuant to 15 U.S.C. § 1692(a)(3), to an award of its attorney's fees reasonable in relation to the work expended and costs.

WHEREFORE, Defendant, Gutman Mintz Baker & Sonnenfeldt P.C., demands judgment dismissing the Plaintiff's Complaint herein, together with an award in its favor of its attorney's fees, the costs and disbursements associated with this action.

Dated: Uniondale, New York
December 15, 2010

Yours, etc.,

RIVKIN RADLER LLP
Attorneys for Defendants
GUTMAN MINTZ BAKER &
SONNENFELDT P.C.; AND DOES 1-10
INCLUSIVE

By: /s/
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